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August 27, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of Position to Support AB 1102 (Allen and Quirk-Silva).** This measure would prohibit the South Coast Air Quality Management District from enacting a rule that prohibits a person from engaging in beach burning for recreational, ceremonial, or open burning purposes in a public coastal area marked by an accumulation of sand (i.e. prohibition of beach bonfires). Therefore, consistent with the Board action of June 4, 2013, in which the Board stated their opposition to any action on the part of the South Coast Air Quality Management District to prohibit any and all fire rings on beaches in Los Angeles County and instead allow local jurisdictions to determine what is appropriate for their respective areas and constituents, **the Sacramento advocates will support AB 1102.**
- **Status of County-Sponsored Legislation**
 - **County-sponsored AB 506 (Mitchell)** - related to consent for HIV testing of an infant less than 12 months of age who is placed in foster care, was signed by the Governor on August 26, 2013.

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- **County-co-sponsored SB 191 (Padilla)** - related to funding for pediatric trauma centers, passed the Assembly Floor on August 26, 2013.
 - **Status of County-Advocacy Legislation**
 - **County-supported AB 339 (Dickinson)** - related to the sale of animals at swap meets, passed the Assembly Floor on August 22, 2013 and now proceeds to the Governor.
 - **County-supported AB 631 (Fox)** - related to enhancing math and English instruction for pupils attending juvenile court schools, was signed by the Governor on August 26, 2013.
 - **Status of Legislation of County Interest**
 - **SB 585 (Steinberg)** - related to Laura's Law, passed the Assembly Floor on August 26, 2013 and now proceeds to the Governor.
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Pursuit of County Position on Legislation

AB 1102 (Allen and Quirk-Silva), which as amended on August 14, 2013, would prohibit the South Coast Air Quality Management District (SCAQMD) from enacting a rule that prohibits a person from engaging in beach burning for recreational, ceremonial, or open burning purposes in a public coastal area marked by an accumulation of sand (i.e. prohibition of beach bonfires). AB 1102 would also make a legislative finding and declare that this action is necessary due to the need to protect visitor-generated revenues that support essential programs, including public safety and parks programs within the jurisdiction of the SCAQMD.

Forthcoming SCAQMD regulations will prohibit, with several exceptions, a person from engaging in beach burning activities such as bonfires. On July 12, 2013, the SCAQMD Board approved an amendment to District Rule 444 - Open Burning, which added beach burning to the list of activities that should be conducted in a manner that ensures: 1) emissions and impacts are minimized; and 2) that smoke is managed in a manner consistent with State and Federal law in order to protect public health and safety.

The recently adopted amendments to Rule 444 - Open Burning, effective March 1, 2014, will prohibit a person from engaging in beach bonfires unless the following conditions have been met: 1) air quality for fine particulates in coastal areas is not forecast to exceed an index value of 100 on the Air Quality Index (an index value of

100 or lower reflects an acceptable air quality range according to the United States Environmental Protection Agency); and 2) beach burning occurs in devices (i.e. beach fire rings) that are at least 700 feet from the nearest residence, at least 100 feet apart from one another, or at least 50 feet apart if there are no more than 15 beach fire rings per contiguous beach area within the city's boundaries.

AB 1102 is similar to and consistent with Assembly Concurrent Resolution 52 (Chapter 52, Statutes of 2013) in which the Legislature acknowledged the tradition and cultural significance of fire rings on State beaches as part of recreational and community activity, and beach lifestyle, while supporting the protection of and access to California's beaches.

According to the Department of Beaches and Harbors (DBH), beach bonfires have historically been a low cost, time-honored tradition and a recreational pastime that appeals to the County's diverse population. DBH reports that the parking revenue earned after 4:00 p.m. at Dockweiler State Beach amounts to as much as 43 percent of the beach's annual parking lot proceeds, approaching \$570,000 annually. DBH further states that since this occurs after the typical beach-going activity is over for the day, its analysis of parking revenue is indicative of the willingness of residents and visitors to go to beaches that have fire rings in the evening hours. DBH emphasizes that many individuals and families embrace the tradition of beach campfires at the County-operated Dockweiler State Beach.

According to the Internal Services Department, AB 1102 will have minimal impact on the County and should not impact beach burning or bonfires in the County.

The Department of Regional Planning indicates that AB 1102 does not impact their department and would not require any of the County's plans or ordinances that regulate the County's public beaches to be amended.

This office, the Department of Beaches and Harbors, and the Internal Services Department support AB 1102. Therefore, unless otherwise directed by the Board, consistent with the Board action of June 4, 2013, in which the Board stated their opposition to any action on the part of the South Coast Air Quality Management District to prohibit any and all fire rings on beaches in Los Angeles County and instead allow local jurisdictions to determine what is appropriate for their respective areas and constituents, **the Sacramento advocates will support AB 1102.**

There is currently no registered support or opposition on file for AB 1102.

This office will continue to work with affected departments to determine any potential impact of this measure to the County.

Status of County-Sponsored Legislation

County-sponsored AB 506 (Mitchell), which as amended on July 2, 2013, would allow a social worker, under specified conditions, to provide consent for an HIV test as part of the routine physical examination for infants less than 12 months of age who are placed in foster care, was signed by the Governor on August 26, 2013 and it is Chapter 153, Statutes of 2013. This measure becomes effective January 1, 2014.

County-co-sponsored SB 191 (Padilla), which would have extended the January 1, 2014 sunset date for the Ritchie's Fund, which authorizes counties to augment the Emergency Medical Services Fund by collecting an additional penalty assessment for specified crimes to fund pediatric trauma centers to January 1, 2021, was amended on August 22, 2013 to change the sunset date to January 1, 2017. SB 191 passed the Assembly Floor by a vote of 72 to 0 on August 26, 2013, and now returns to the Senate for concurrence with Assembly amendments.

Status of County-Advocacy Legislation

County-supported AB 339 (Dickinson), which as amended on June 25, 2013, would authorize, commencing January 1, 2016, a swap meet operator to permit a vendor to offer animals for sale at a swap meet provided the local jurisdiction has adopted certain standards for the care and treatment of those animals during the time that the animals are present at the swap meet and transported to and from the swap meet, passed the Assembly Floor by a vote of 64 to 12 on August 22, 2013 with concurrence of Senate amendments. This measure now proceeds to the Governor.

County-supported AB 631 (Fox), which as amended July 2, 2013, would authorize a county board of education to adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, was signed by the Governor on August 26, 2013 and it is Chapter 136, Statutes of 2013. This measure becomes effective January 1, 2014.

Status of Legislation of County Interest

SB 585 (Steinberg), which as amended on May 13, 2013, would clarify that counties that elect to implement the involuntary Assisted Outpatient Treatment Demonstration Project, provided under Laura's Law, may use Mental Health Services

Each Supervisor
August 27, 2013
Page 5

Act (Proposition 63 of 2004) funds and 2011 Public Safety Realignment mental health funds for this purpose, passed the Assembly Floor by a vote of 73 to 4 on August 26, 2013. This measure now proceeds to the Governor.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
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